THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.15387 OF 1999

DATED:7.3.2006

Between:

N. Chandrayudu

…Petitioner

And

The District Collector,

Anantapur District

Anantapur and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.15387 OF 1999

ORDER:

The petitioner is a retired Pharmacist. He filed the Writ Petition seeking a Writ of Mandamus declaring the action of the respondents 1 to 3 in converting the land in T.S.No.2677-2 and T.S.No.2143/1 of Anantapur Municipality allegedly belong to the District Hospital, Anantapur Municipality (now, Corporation) for the purpose of developing indoor stadium and park, as illegal and arbitrary.

It is the case of the petitioner that in 1965 an extent of Acs.10.00 in the two survey numbers was acquired from London Christian Machinery Society for the purpose of

construction of District Hospital. Due to paucity of funds hospital and a few quarters were constructed leaving open a considerable extent of vacant land. An extent of Acs.0.06 was allotted to A.P. Electricity Board for construction of sub-station in the year 1992. In the year 1998 the Anantapur Municipality requested the District Collector to allot an extent of about Acs.9.00 for development of park and play-ground. However, when the proposals were sent to A.P.Vaidya Vidhana Parishad, fourth respondent, the request for allotment of land was rejected. In spite of the same, in second week of July, 1999 Municipal Chairman laid foundation for constructing indoor stadium. The petitioner contends that there is a need for utilizing the land for construction of staff quarters and expanding hospital quarters. According to the petitioner, if the land is allotted to Municipality, it would defeat the purpose for which the land was acquired.

A counter affidavit is filed by the Commissioner of Anantapur Municipality. In paragraph 3 of the counter it is stated as under.

> With reference to Paras 2 to 8 it is submitted that there is no record to show that the land in TS No.2143-1 & TS No.2677-2 belonging to the Hospital is allotted to the Municipality for construction of a stadium. It is submitted that the land acquired by District Head Quarters Hospital authorities for construction of staff quarters and other extension had been idle for as long time without utilization for the purpose it was intended. The land has also been left unprotected and has been encroached upon time and again by hut-dwellers and land-grabbers. The said encroachments were periodically removed by revenue and municipal authorities with the help of Police Department. Recently, with a view to protecting the valuable land from further encroachments, the Municipality has fenced the land by evicting the encroachments. The Municipality has also addressed the District Collector, Anantapur for allotment of the suit land to the Municipality for development of a stadium for public utility purpose. Since the hospital authorities have failed to utilize the same even after a long time has elapsed since acquisition.

In the affidavit accompanying the Writ Petition, the petitioner has not given details of proceedings under which the land was allotted to Municipality. Be that as it is, though the counter-affidavit is filed on 13.10.1999 by the Municipality, no reply affidavit is filed. This only shows that the land was never allotted to Municipality and the Writ Petition is filed on mere apprehension. Further, the petitioner herein, who is Pharmacist, cannot be said to have any *locus standi*. The land of the Government is utilized for another public purpose when it was not required for public purpose for which it was acquired.

The Writ Petition is wholly misconceived and is accordingly dismissed with costs.

(V.V.S.RAO, J)

7.3.2006

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